

ROYAL COURT

4th May, 1990

64.

Before: The Bailiff, and
Jurats Vint and Orchard

Attorney General

- v -

Colin Roy Phillips

Defendant sentenced in respect of
one infraction of paragraph 1(a)
of Article 14 of the Housing
(Jersey) Law, 1949.

Solicitor General,
Advocate D.E. Le Cornu for the defendant.

JUDGMENT

BAILIFF: The Court has little doubt that had it been possible for Mr. Phillips to produce the name of the person with whom he had consulted at the Housing Office and had that person confirmed that that advice had been given, that would have been something that would have weighed in the Crown's decision whether to prosecute or not. Having said that, this offence has been admitted; it arises from a time when there was a common misapprehension throughout the Island as to what you could or could not do with lodgers if you did not live in the premises which you had bought. For that reason we think Mr. Phillips

must be fined and we cannot see that the conclusions you have asked for having regard to the time during which this property was occupied by persons who had no right to be there, we cannot find that the amount is excessive.

It would of course be better in the future, perhaps, if persons who do seek advice from the Housing Department were to do one of two things: to ask for that advice to be confirmed in writing, or if it is relatively trivial at least to find out the name of the person who is giving that advice. If either of those two courses were adopted a good deal of misapprehension would be, I think, avoided and later recrimination.

However, Mr. Phillips, having regard to the circumstances, you are fined £1,500 or in default nine months' imprisonment and £250 costs.

Authorities cited:

AG -v- Hogan (29th June, 1989) Jersey Unreported.